

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARQUS PATTON,
Petitioner,

vs.

DIANE SABATKA-RINE, interim Director of
the Nebraska Department of Correctional
Services; TODD WASMER, Warden of
Tecumseh State Correctional Institute; and
DOUG PETERSON, Nebraska Attorney
General,
Respondents.

8:20CV504

MEMORANDUM AND ORDER

This matter is before the Court on the petitioner's motion for an evidentiary hearing, Filing No. 15. The Court finds the motion should be denied at this time, without prejudice. The petitioner has not set forth reasons for a hearing or described the evidence he intends to adduce at such a hearing. The Court finds the parties should file briefs on the merits of the postconviction motion, and the plaintiff should set forth with particularity the witnesses, evidence, and disputed issues that require a hearing. Upon review of the briefs, the court will determine whether a hearing is necessary. Accordingly,

IT IS HEREBY ORDERED:

1. Petitioner Marqus Patton's motion for an evidentiary hearing is denied without prejudice to reassertion.
2. Petitioner shall file a brief on the merits of his postconviction motion within 28 days of the date of this order.
3. Respondents shall file a brief in response within 14 days thereafter.
4. The petitioner may file a reply, if any, within 7 days thereafter.

Dated this 9th day of March 2023.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge